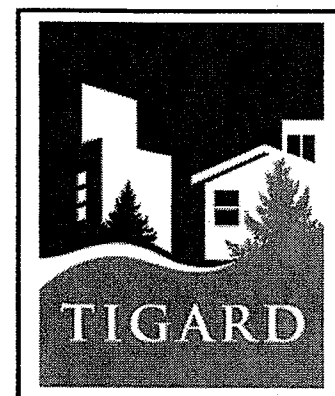




TIGARD CITY COUNCIL
MEETING

July 11, 2006 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
JULY 11, 2006

6:30 PM

- STUDY SESSION

- > Discussion on Council Groundrules

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss real property transaction negotiations and consultation with legal counsel concerning current litigation or litigation likely to be filed under ORS 192.660(2)(e) and (2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING

- 1.1 Call to Order - City Council
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Follow-up to Previous Citizen Communication

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for June 13, 2006
 - 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - 3.3 Approve an Annual Merit Pay Adjustment for the City Manager

- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.

4. TUALATIN VALLEY FIRE AND RESCUE (TVF&R) DEPLOYMENT REPORT
 - ♦ Staff Introduction: Public Works Department
 - ♦ Report Presentation: TVF&R Assistant Chief Paul LeSage
5. PUBLIC HEARING (LEGISLATIVE) – ENTRYWAY SIGN CODE AMENDMENT (DCA 2006-00001)

REQUEST: The applicant is requesting approval of a Development Code Amendment to amend the Sign Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend Section 18.780.015 (Definitions) to add a definition of “Entryway Signs”, and Section 18.780.090 (Special Condition Signs) to allow Entryway Signs in all zoning districts. **LOCATION:** City-wide. **ZONE:** All zoning districts.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goal 1.

- a. Open Public Hearing
- b. Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention.
- c. Staff Report: Community Development Department
- d. Public Testimony
 - Proponents
 - Opponents
- e. Staff Recommendation
- f. Council Questions
- g. Close Public Hearing
- h. Council Consideration: Ordinance No. 06-_____

6. PUBLIC HEARING (LEGISLATIVE) – INCIDENTAL USES IN CULTURAL INSTITUTIONS CODE AMENDMENT (DCA 2006-00002)

REQUEST: The applicant is requesting approval of a Development Code Amendment to amend the Use Classifications Chapter (18.130) and the Sign Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend the uses allowed under Civic Use Types (Section 18.130.020.B.4) to allow incidental and subordinate commercial uses (such as a gift shop, bookstore, and limited food and beverage services). In addition, a new category "Cultural Institution Auxiliary Signs" would be created in the Special Condition Sign Section (18.780.090). **LOCATION:** Within Cultural Institutions. **ZONE:** All zones where Cultural Institutions are an allowed use. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.130.020, 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goal 1.

- a. Open Public Hearing
- b. Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention.
- c. Staff Report: Community Development Department
- d. Public Testimony
 - Proponents
 - Opponents
- e. Staff Recommendation
- f. Council Questions
- g. Close Public Hearing
- h. Council Consideration: Ordinance No. 06-_____

7. COMMENTS TO WASHINGTON COUNTY COMMISSIONERS REGARDING PROPOSED BULL MOUNTAIN INCORPORATION

- ♦ Staff Presenter: Community Development

8. COUNCIL LIAISON REPORTS

9. NON AGENDA ITEMS

10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

11. ADJOURNMENT

i:\adm\cathy\cca\2006\060711.doc

Agenda Item No. _____
 For Agenda of _____



Tigard City Council Meeting Minutes

Date: June 13, 2006
 Time: 7:30 p.m.
 Place: Tigard City Hall, 13125 SW Hall Boulevard
 Tigard, Oregon
 Attending: Mayor Craig Dirksen Presiding
 Councilor Sally Harding
 Councilor Sydney Sherwood
 Councilor Tom Woodruff
 Councilor Nick Wilson

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	<ul style="list-style-type: none"> › City Manager Prosser advised that an Executive Session will be needed at 6:00 p.m. on June 20 to discuss potential litigation. › City Manager Prosser did not receive the tabulated results of the forms completed by Council and staff for his performance evaluation. Council decided to delay the review until June 27 to give City Manager Prosser time to review this information. › City Manager Prosser noted that representatives from the Friends of Bull Mountain were asking for information regarding what would be discussed at the meeting on June 20 with regard to the incorporation of a city on Bull Mountain. He advised that more information would be provided to the Council on Wednesday and then this information would also be sent to the "Friends" by the end of the day on June 14. › Briefing on Emergency Exercise Staff Presenter: Program Assistant Lueck <p>Mr. Lueck updated the Council on the "TipOff" Regional Emergency Exercise to be conducted from 8:00 a.m. to 2:00 p.m. on Wednesday, June 14. He advised that the exercise would include jurisdictions in Washington and Columbia Counties as part of a</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>large terrorism response exercise. Details of the individual incidents were not released ahead of time so the exercise can be as realistic as possible. TipOff is a prelude to a national "TopOff" exercise planned for 2007, which will "test the resolve" of top officials in Washington, D.C., two states, and Guam. Mr. Lueck distributed information regarding who was playing the exercise, where it would take place, the goals of the exercise, how it is funded and media coverage. He also discussed safety precautions and who to call if there were questions. An announcement would be made to the public during the business portion of the meeting which will be Cablecast.</p> <p>> Entry signs Assistant to the City Manager Newton discussed with the City Council the proposed drawings of entry signs. Council members described their preferences, including preferred sign materials and design. Signs will be sized according to the site where they will be located. Assistant to the City Manager Newton has the preferred drawing with the changes noted. Locations were also discussed including sites at each end of Pacific Highway and the Bridgeport area, as well as a future site - the Walnut/Murray Blvd. connection. The initial focus will be on these four locations and more information will be brought back to the Council. Staff will verify the amount of funds budgeted for this year.</p> <p>> Discuss City Center Advisory Commission (CCAC) Changes</p> <p>Recently there was action by the CCAC membership to vote on a new chair for the group. The process followed was of concern to several members and several resignations were submitted. There was Council discussion on what should be done at this point; i.e., whether to accept the resignations and how to proceed with the group at this point. There was some discussion by Council about whether the CCAC should be dissolved and have the duties of the CCAC be covered by the Planning Commission,</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>which would give an opportunity for by-laws to be written for this group. Councilor Wilson noted that he had been inclined towards dissolving the current CCAC. He noted his appreciation for the group getting through the election. He said he was unclear about what the substantive issues were among the CCAC members. He noted a need to understand the issues. Councilor Sherwood and Mayor Dirksen also noted that their first reaction was to support dissolving the CCAC. Councilor Woodruff said the events were unfortunate, noting that all of the members were good people and that the CCAC has the right to choose its leadership. He said his concern was that there is a split among these people who have been dedicated to the city. He said this is unfortunate and it will take wisdom to resolve the situation.</p> <p>There was consensus by Council that this should be scheduled for a discussion when there is more time to devote to the subject. Councilor Harding advised she had not responded with any comments on the situation as she did not feel she was fully aware of what had occurred. She noted the importance of talking to everyone to determine the circumstances. After discussion, and at the suggestion of City Manager Prosser, it was decided that Joe Hertzberg, facilitator and mediator, will be contacted to see if he would be available to talk to the CCAC members. Councilor Sherwood said that the correction of a mistake needs to be made; bylaws need to be drawn up to give the CCAC direction. Interim Community Development Director Coffee noted that if the CCAC responsibilities are transferred to the Planning Commission that there would be a learning-curve timeframe and he advised that the implementation strategy decisions are coming up soon. The CCAC is looking at design guidelines and regulations which would go to the Planning Commission. Mayor Dirksen noted the need to have a better understanding of the issues before a decision is made. Councilor Harding advised that she was unclear as to why some had resigned and what the issues were. Although she did mention that it appeared that some members had differing views on the larger vision. She noted that perhaps</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
Executive Session	<p>the manner in which the vote for a change in leadership occurred was not the way it should have happened. She advised that the CCAC has done a remarkable job so far, and urged for a continued focus on the greater good for all. She said it is a hard decision and that people have hurt feelings.</p> <p>Mayor Dirksen agreed that this is a community issue and that a solution needs to be found to mitigate for future activities. The Council agreed to meet in a special session to discuss this issue after Joe Hertzberg or a similar professional talks to the group to determine what the issues are. City Manager Prosser noted that the Council has not yet responded to the resignations offered by CCAC members. He said that he would ask them to please "hold on" until some of the issues have been reviewed.</p> <p>The CCAC will meet on June 14 to review the plan.</p> <p>> The Pelissier annexation has been withdrawn. It was noted that one of the reasons given to staff was that the applicants were hoping that by applying for development in the County they would be able to add another lot to their development.</p> <p>The Tigard City Council went into Executive Session at 7:12 p.m. to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed under ORS 192.660(2) (h).</p> <p>Before the Executive Session began and in open session, Councilor Harding noted that she had received a confidential communication from the Metropolitan Area Communications Commission about operations of TVCTV. City Attorney Ramis advised that the above citation for the Executive Session (ORS 192.660(2)(h)) would be appropriate for discussion on this topic.</p> <p>Executive Session concluded at 7:32 p.m.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
1. Business Meeting	<p>1.1 Mayor Dirksen called the City Council, Local Contract Review Board, and City Center Development Agency to order at 7:37 p.m.</p> <p>1.2 Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, And Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>Councilor Harding updated the City Council on a recent Washington County Coordinating Committee (WCCC) meeting at which time funding options were discussed for the MTIP. A county-wide gas tax was discussed; no decisions were made and further discussion will occur at the next WCCC meeting. She asked City Council members to be thinking about what the City of Tigard's position would be with regard to a county-wide gas tax. Councilor Harding said she did not think a gas tax would raise enough revenue to cover the broad-based needs. She said some creative solutions are needed, such as project phasing and seeking input from voters. The City Council will discuss this item further at an upcoming meeting. Councilor Wilson reminded the City Council that the Transportation Financing Strategies Task Force is considering recommending a local gas tax.</p> <p>Councilor Harding noted the City of Tigard will also need to weigh in on a recommendation for the regional JPACT projects. She noted a new project list has been prepared. Better forecasting information is needed with regard to future growth. She asked City Council members to contact her with comments on the project list.</p> <p>Councilor Sherwood reported she represented the City earlier today at an affordable housing project event for Greenburg Oaks. She received a plaque, which she gave to Mayor Dirksen. The plaque thanked the City of Tigard for its assistance to affordable housing. Tigard is one of</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>the few cities to give fee waivers and other assistance to affordable housing. The housing project at Greenburg Oaks was a \$3.3 million renovation and Councilor Sherwood reported that the results are "incredible."</p> <p>Councilor Woodruff advised that negotiations were successfully concluded for a ten-year contract to purchase water from the City of Portland. This contract will provide a source of water while we are working on other long-term water sources. City Manager Prosser advised the City of Portland organized a signing ceremony last week at Portland City Hall. Mr. Prosser attended the signing on behalf of the City of Tigard. Once Mayor Potter's signature is obtained on the contract, City of Tigard will receive the signed agreement. Councilor Woodruff thanked Public Works Director Koellermeier for the work he did in securing this contract.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None.</p>	
2. Citizen Communication	<p>No one signed up to speak from the audience.</p> <p>City Manager Prosser gave a follow-up report on the Fifth Tuesday meeting. A copy of the staff response is on file in the City Recorder's Office.</p>	
3. Consent Agenda	<p>Mayor Dirksen reviewed the items on the consent agenda. Councilor Harding noted that she had contacted the City Recorder regarding two changes for the May 16, 2006 council minutes. On page 10, the minutes reference that "it was suggested that this seems to be a band-aid approach and the entire picture should be reviewed." Councilor Harding advised that the statement was one that she had made and she would prefer that the records reflect that she had suggested this. A second request was made for Councilor Harding's comment on the excellent job that the Public Works staff had done with regard to securing the long term water contract with the City of Portland. (City Recorder's note:</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the consent agenda, with the changes to the minutes as noted during discussion.</p> <p>The motion was approved by unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>This comment was made during the May 23, 2006, City Council meeting and will be reflected in the minutes to be submitted to the City Council for review on June 27, 2006.)</p> <p>3.1 Approve Council Minutes for April 25, May 9, and 16, 2006</p> <p>3.2 Receive and File:</p> <ul style="list-style-type: none"> a. Council Calendar b. Tentative Agenda c. Fifth Tuesday Meeting Notes from May 30, 2006 d. Canvass of Votes for Measure 34-114 (City Center Urban Renewal Plan and Tax Increment Financing <p>3.3 Adopt a Resolution Approving Budget Amendment #13 to the FY 2005-06 Budget to Increase Appropriations in the City Attorney Division – Resolution No. 06 –32</p> <p style="text-align: center;">RESOLUTION NO. 06-32 – A RESOLUTION APPROVING BUDGET AMENDMENT #13 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE CITY ATTORNEY DIVISION</p> <p>3.4 Forward the Urban Renewal Plan to the City Center Development Agency</p> <p>3.5 City Center Development Agency (CCDA):</p> <ul style="list-style-type: none"> a. Direct Staff to take Action to Record the Urban Renewal Plan <p>3.6 Local Contract Review Board:</p> <ul style="list-style-type: none"> a. Award Contract for Construction of Hall Boulevard Sidewalk (at Bonita Road) <p>3.7 Approve Tigard's Share of the Storm Debris Dewatering Facility</p>	
4. Meridian Park Hospital Presentation on Community Resources and Outreach	<p>Allyson Anderson, Meridian Park Hospital Administrator, reviewed the services offered by this medical facility. Ms. Anderson described how the hospital is attempting to provide expanded services so people do not have to leave their community for needed medical services.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)										
5. Briefing on Emergency Response Exercise Scheduled for June 14	<p>Emergency Management Coordinator Lueck reviewed a PowerPoint presentation which is on file in the City Recorder's Office. (Please see study session discussion for further information on the TipOff regional exercise for June 14, 2006.)</p> <p>Part of the exercise will be held in one of the Tigard neighborhoods. Flyers regarding this activity have been distributed to all of the homes. After the exercise, a questionnaire will be distributed to the affected residents asking them for their input with regard to how they perceive the exercise was conducted.</p>											
11. Approval of Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax Between Metro and the City of Tigard	<p>(City Recorder's note: Agenda Item No. 11 was heard out of order at this time.)</p> <p>Mike Jordan, Metro's Chief Operating Officer, was present to discuss this matter with the City Council. Metro has requested that the Council approve an Intergovernmental Agreement specifying that the City collect and remit to Metro an excise tax assessed on new development. The construction excise tax would fund concept and comprehensive planning associated with the needs for the 2002 and 2004 urban growth boundary expansions. A tax equal to .12% of the total valuation of building permits will be assessed by Metro and collected by jurisdictions within the Metro region.</p> <p>There are some exemptions and limitations to this tax that will provide relief to some applicants. Projects with valuations of \$100,000 and less are exempt as well as corporations exempt from federal income tax and certain low income housing and charitable services. There is also a maximum ceiling of \$12,000 that can be collected. Projects valued at \$10 million and above would be assessed a flat fee of \$12,000. This tax will sunset when the total amount collected in the Metro region reaches an amount equal to \$6.3 million, which is expected to take approximately three years. After that amount is collected the tax will be rescinded. Under the terms of the Intergovernmental Agreement local jurisdictions will retain 5% of the tax collected to cover the cost of administration.</p>	<p>Motion by Mayor Dirksen, seconded by Councilor Woodruff to approve the Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax Between Metro and the City of Tigard and Authorize the City Manager to sign the Intergovernmental Agreement.</p> <p>The motion was approved by a majority of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>No</td></tr><tr><td>Councilor Wilson</td><td>Abstained</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	No	Councilor Wilson	Abstained	Councilor Woodruff	Yes
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Councilor Harding	Yes											
Councilor Sherwood	No											
Councilor Wilson	Abstained											
Councilor Woodruff	Yes											

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>In response to a question from Councilor Wilson regarding what would occur if the jurisdiction did not vote to take part by collecting the tax for Metro, Mr. Jordan advised that people would still have to pay the fee but would have to travel to Metro to pay it. Councilor Wilson noted his disagreement with Metro insofar as Metro did not seek input from the partners on this particular fee. He cited usurping of local planning authority and once again, local jurisdictions are charged with carrying out the edicts of Metro. Councilor Harding noted that forums have been held with Metro on similar local issues that jurisdictions are experiencing. She noted that it is good Metro is now starting to address and listen to the concerns of local governments. Councilor Woodruff said he was glad there was a limit on the amount of dollars that will be collected with the tax and was also supportive of the sunset clause on the tax. Councilor Sherwood noted a similar effort for a real estate tax transfer tax in Washington County and the lack of support for such a fee.</p> <p>Mayor Dirksen noted that the City had been prepared to do the planning for Areas 63 and 64 and now it looks as if the City will be paying for this anyway. Councilor Woodruff suggested that a sign be placed on the counter making it clear that the excise fee is a Metro fee. Mr. Jordan acknowledged the concerns expressed by the Council members and noted that they were not alone, as other jurisdictions have expressed similar concerns. He advised that this would accomplish a public purpose in providing planning services for these urban growth areas. He said Metro must look at how to accommodate growth and plan for infrastructure.</p> <p>Councilor Harding noted her desire to continue to push towards partnership with Metro and local jurisdictions.</p>	
12. Public Hearing (Quasi-Judicial) to Consider	At this time Mayor Dirksen announced that Agenda Item No. 12, Public Hearing to Consider the Pelissier Property Annexation has been withdrawn by the applicant and therefore this item will not be	

Agenda Item	Discussion & Comments	Action Items (follow up)
Pelissier Property Annexation (ZCA2006- 10001)	heard. The Intergovernmental Agreement between the City of Tigard and Washington County will lapse and it appeared to the applicants that they could develop the property with one more lot than they could under City Code. They will take their development application to the County.	
6. Community Investment Program for FY 2006-2007	<p>Mayor Dirksen opened the public hearing. City Engineer Duenas presented the staff report and a PowerPoint presentation which is on file in the City Recorder's Office. Mr. Duenas reviewed the Community Investment Program formulation process, major program areas, major projects for the upcoming fiscal year and how the final project lists were determined. There was a question on the pedestrian bridge which is being done by ODOT with the City of Tualatin overseeing the project. There has been some information that there was another project cost overrun and the Tigard City Council has not been briefed on this.</p> <p>Mayor Dirksen said that the Community Investment Program has improved over the years and he complimented the staff on their work. Councilor Harding noted that the Tigard Triangle Local Improvement District was being shown as "approved" on the list. After discussion, City Engineer Duenas confirmed that the Local Improvement District for the Triangle has not been approved and that the language will be clarified before the Community Investment Program document is published. Councilor Woodruff commented for the benefit of the viewing public, that the Community Investment program can be viewed on the City's website.</p> <p>Public Testimony: No one signed in to speak.</p> <p>Staff Recommendation: Staff recommended the City Council approve the 2006-2007 Community Investment Program and for it to be effective July 1, 2006.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>Mayor Dirksen acknowledged members of the Skate</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Community Investment Program for 2006-2007, making a note of the correction to the error in the document stating that the Tigard Triangle Local Improvement District had been approved.</p> <p>The motion was approved by unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>Park Committee who were in attendance, advising that the Council had, by approving the Community Investment Program list, also approved the Skate Park funding. Rich Carlson, Chairman of the Skate Park Task Force, was present and advised that they have applied, through the City, for a \$150,000 grant. Recently, members of the Skate Park Task Force testified before the state agency considering the grant proposals and Mr. Carlson said he thought the testimony went well. He advised that notification regarding the grant will be issued in mid-July.</p>											
7. Public Hearing – Consider A Resolution Certifying that the City of Tigard Provides Services Qualifying for State Shared Revenues	<p>Mayor Dirksen opened the Public Hearing. Finance Director Sesnon presented the staff report. Before the City Council was a Resolution which certified that the City of Tigard provides certain services, making the City eligible to receive State shared revenues.</p> <p>Public Testimony: There was none.</p> <p>Staff Recommendation: Staff recommended approval of the proposed resolution.</p> <p>Mayor Dirksen closed the Public Hearing.</p> <p><i>Resolution No. 06-33 – A Resolution Certifying that the City of Tigard Provides Services Qualifying for State Shared Revenues</i></p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 06-33.</p> <p>The motion was approved by unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											
8. Public Hearing - A Resolution Declaring the City's Election to Receive State Revenues	<p>Mayor Dirksen opened the Public Hearing. Finance Director Sesnon presented the staff report. Before the City Council was a proposed resolution declaring the City's election to receive state revenue sharing funds. Approval of the resolution would secure \$328,400 of revenue for the general fund.</p> <p>Public Testimony: There was none.</p> <p>Staff Recommendation: Staff recommended approval of the proposed resolution.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>Council Discussion: Councilor Woodruff advised that this is not "surprise revenue." Finance Director Sesnon confirmed that the state requires the</p>	<p>Motion by Councilor Wilson, seconded by Councilor Harding, to approve Resolution No. 06-34.</p> <p>The motion was approved by unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>adoption of a resolution in order to receive this funding.</p> <p><i>Resolution No. 06-34 – A Resolution Declaring the City’s Election to Receive State Revenues</i></p>											
9.A Resolution of the City of Tigard Adopting the Budget, Making Appropriations, Declaring the Valorem Tax Levy, and Classifying the Levy as Provided by ORS 310.060(2) for Fiscal Year 2006-07	<p>Mayor Dirksen opened the Public Hearing. Finance Director Sesnon presented the staff report. Oregon local budget law requires that a budget for the following fiscal year be adopted by the Council prior to July 1, after approval by the Budget Committee and after a public hearing has been held before the City Council. A PowerPoint presentation was viewed by the City Council; a copy is on file in the City Recorder's Office. On May 15, the Budget Committee approved the proposed budget with amendments and forwarded the budget to the City Council for adoption. Council had before it a Schedule of Appropriations reflecting amendments along with minor adjustments and transfers between funds that were necessitated by changes in the City's Cost Allocation Plan to implement the Budget Committee's amendments. The total FY 2006-07 City of Tigard budget will be \$77,738,518.</p> <p>Public Testimony: Mark Haldeman, Budget Committee Chair, advised that this is his third year on the Budget Committee. Mr. Haldeman said that the Budget Committee is not a “rubber stamp committee.” He noted that throughout the process pointed questions were asked of the department managers as the various department budget requests were reviewed. Mr. Haldeman thanked the city staff, and especially noted Finance Director Sesnon, Financial Operations Manager Imdieke, Management Analyst Wareing, and Sr. Admin. Specialist Denny.</p> <p>The staff recommendation was to approve the resolution before the City Council which would adopt the budget, make appropriations, declare the valorem tax levy, and classify the levy as provided by ORS 310.060(2) for fiscal year 2006-07.</p> <p>In response to a question from Councilor</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Resolution No. 06-35.</p> <p>The motion was approved by unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>Woodruff, Finance Director Sesnon advised that the proposed budget represented a 5.1% increase in operations.</p> <p>Councilor Wilson commented on the Budget Committee review process. He noted for the benefit of the public that the Budget Committee held extensive meetings during the month of May. He noted that these meetings are public meetings and said that citizens were encouraged to attend and comment during the budget process.</p> <p>Mayor Dirksen closed the public hearing.</p> <p><i>Resolution No. 06-35 – A Resolution of the City of Tigard Adopting the Budget, Making Appropriations, Declaring the Valorem Tax Levy, and Classifying the Levy as Provided by ORS 310.060(2) for Fiscal Year 2006-07</i></p> <p>City Manager Prosser noted his appreciation for the Budget Committee and thanked the members present, Mark Haldeman and Jason Snider for their time spent. He thanked Finance Director Sesnon for the work he did on the preparation of the budget, noting that he was new to the City, having only arrived in February. He said he also appreciated the efforts of Financial Operations Manager Imdieke, Management Analyst Wareing, and Sr. Admin. Specialist Denny.</p>											
10. Consider a Resolution Adopting the Citywide Master Fees and Charges Schedule, Which Replaces Resolution No. 05-42 and All Subsequent Amendments to Date	Management Analyst Wareing presented the staff report. The City Council annually reviews fees and charges. The Master Fees and Charges Schedule contains all citywide fees and charges and is updated each June. The purpose of this schedule is to streamline the review process, have one document that contains all fees and charges, and minimize the number of resolutions and ordinances relating the fees and charges. Staff reviewed the schedule and proposed a few new fees and changes to specific existing fees. A summary of the proposed fee changes was contained in the Agenda Item Summary on file in the City Recorder's Office.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 06-36.</p> <p>The motion was approved by unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>It was noted that an increase of 3.5% by Clean Water Services was set for sanitary sewer service. The City will not share in any of the proposed increase. There was brief discussion on the proposed changes with some clarification to the proposal for limiting the fee for a paper copy of the Tigard Municipal Code Titles 1-18. The copy of Title 1-18 will be provided only on disk. There was a clarification that overdue DVD items in the Library are assessed at \$1.00 per day for each item.</p> <p>The sewer and water franchise fee will be considered by Council in July. If approved, this fee will be added to the Fees and Charges Schedule.</p> <p>Mayor Dirksen advised that he was appreciative that the fees and charges are kept up to date. He advised that when he first came onto the City Council many of the fees and charges were not adequate. The goal is to have users support the services that they use.</p> <p><i>Resolution No. 06-36 – A Resolution Adopting the Citywide Master Fees and Charges Schedule, Which Replaces Resolution No. 05-42 and All Subsequent Amendments to Date</i></p>	
	Note: Agenda Item No. 11 was discussed earlier in the meeting.	
	Note: Agenda Item No. 12 was discussed earlier in the meeting.	
13. Non-Agenda Items	Councilor Woodruff announced that the Festival of Balloons will be held this coming Friday, Saturday and Sunday, June 16-18 at Cook Park. City Manager Prosser said that information is posted on the City's website. Gates open at 5:00 a.m.	
14. Adjournment	Meeting adjourned at 9:19 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood to adjourn the meeting.</p> <p>The motion was approved by unanimous vote of Council</p>

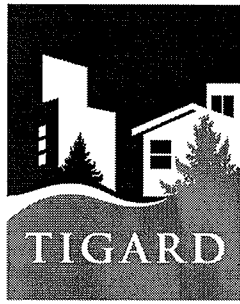
Agenda Item	Discussion & Comments	Action Items (follow up)
		<p>present.</p> <p>Mayor Dirksen Yes</p> <p>Councilor Harding Yes</p> <p>Councilor Sherwood Yes</p> <p>Councilor Wilson Yes</p> <p>Councilor Woodruff Yes</p>

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date:_____



MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Cathy Wheatley, City Recorder

RE: Three-Month Council Meeting Calendar

DATE: July 3, 2006

Agenda Item No. 3.2.a.
For Agenda of July 11, 2006

Regularly scheduled Council meetings are marked with an asterisk (*).

July

4	Tuesday	4 th of July Holiday – City Hall Closed
6	Thursday	Special City Council Meeting – 6 pm, Red Rock Creek Conference Room & Town Hall
11*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
18*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
25	Tuesday	Council Quorum at Washington County Commissioners Meeting, 6:30 pm Washington County Public Services Bldg. in Hillsboro

August

8*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
15*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
22*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
29	Tuesday	Fifth Tuesday Council Meeting – 7-9 pm, Tigard Water Auditorium

September

4	Monday	Labor Day Holiday – City Hall Closed
12*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
19*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
26*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

Tigard City Council Tentative Agenda 2006

Agenda Item No. 3.2.6
Meeting of July 11, 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July 6, 2006 Special/6:00 p.m. City Hall	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5: Craig Prosser absent	July 11, 2006 Business/6:30 p.m. City Hall Tom I. June 27, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July 18, 2006 Business/6:30 p.m. City Hall
Special Meeting		Study Session		Study Session	
CCAC - Report from Joe Hertzberg with Council discussion to follow		Exec. Session: Update on Park & Open Space Acquisition - Dennis K. - 15 min.		Senior Center Remodel/Additions - Dennis K. 10 min.	
		Exec. Session: Current & Pending Litigation Loreen M. - 10 min.		Water Bldg. Remodel & Relocation of PW Dept. - Dennis K.- 10 min.	
		Discussion on Council Groundrules		Consent Agenda	
		Consent Agenda		Approve Volunteer Worker's Compensation Coverage - Loreen M	
		Approve Annual Pay Adjustment for City Manager - Sandy Z.		Approve Amendment to Insurance Agent of Record Contract - Loreen M.	
		Business Meeting		Adopt Revisions to Council Groundrules - Craig P.	
		Briefing on Walnut Street TVF&R Station - Dennis K. & TVF&R Asst. Chief LeSage PPT - 30 min.		LCRB - Rejection of Bids for Hall Blvd./Wall St Intersection/Library Pkg. Lot - Vannie N.	
		Approve TMC Revisions Incorporating a - Legis. Public Hearing - Entryway Sign-Code Amendment - Tom C.- ORD - 15 min.		Business Meeting	
		Legis. Public Hearing - Incidental Cultural Uses in Commercial Institutions - Code Amendment - Tom C.- ORD - 15 min.		Initiate Planned Development Revision/ Planning Commission - Dick B. - 60 min.	
		Comments to Washington Co. Commissioners re Proposed Bull Mt. Incorporation - Tom C. - 30 min.		Comprehensive Plan Update: Citizen Issues and Values Summary - Beth St. A.- 30 min.	
		Time Avail: 135 min. - Time Scheduled: 90 min. Time Left: 45 min.		Report on Tualatin River Bike/Ped. Bridge - Gus - 20 min.	
				Review Council Groundrules - Craig P. - 20 min.	
				2nd Quarter Goal Update - Craig P. - 5 min.	
				LCRB - Award of Burnham St. Imp. Contract- Design of Streetscape Project - Gus D.- 20 min.	
				Time Avail: 135 min. - Time Scheduled: 155 min. Time Left: (20 min.)	

Tigard City Council Tentative Agenda 2006

Meeting Date: July 25, 2006 Washington Co. Commission/6:30 p.m. Location: Public Services Bldg. 155 N. First Avenue in Hillsboro	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5: City Manager Prosser Absent ?	August 8, 2006 Business/6:30 p.m. City Hall July 25, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5: City Manager Prosser Absent ?	August 15, 2006 Workshop/6:30 p.m. City Hall August 1, 2006
	Study Session		Workshop Agenda	
Business Meeting Cancelled Possible Council Quorum to attend Washington County Board of Commissioners Meeting	City Manager Review - 30 min. SI			
	Consent Agenda			
	Designate Planning Comm. as the Comp. Plan Steering Committee - Beth S./Tom C. - RES LCRB - Award Contract for Hall Blvd./Spruce St. Sidewalk - Vannie N. LCRB - Award Contract for Construction of Tualatin River Trail - Vannie N.			
	Business Meeting			
	Rider Annexation - Tom C. - PHJQ -ORD - 30 min. Approve TMC Revisions Incorporating a - Right-of-Way Usage Fee - Nancy W.-25 Min.-ORD Approve TMC Revisions Incorporating a ROW Preservation & Restoration Policy - Nancy W. 25 min.- ORD Finalization of Sewer Reim. Dist. #32 (Fern St.) Info. Public Hearing, PPT, Greg B. - 10 min.- RES CCDA - Adopt Downtown Implementation Strategy - Tom C./Phil N. - RES - 15 min.			
	Time Avail: 135 min. - Time Scheduled: 105 min. Time Left: 30 min.		Time Avail: 200 min. - Time Scheduled: 0 min. Time Left: 185 min.	

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	August 22, 2006 Business/6:30 p.m. City Hall August 8, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	August 29, 2006 5th Tues./7 p.m. Water Building Aud. August 15, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	September 12, 2006 Business/6:30 p.m. City Hall August 29, 2006
Study Session		Fifth Tuesday Meeting		Study Session	
Consent Agenda				Consent Agenda	
Business Meeting				Business Meeting	
Proclaim September as National Drug Addiction Recovery Month - Craig P.- 5 min.				Acceptance of \$150,000 in Matching Funds to Construct the Jim Griffith Memorial Skate Park Dan Plaza - 10 min.	
Time Avail: 135 min. - Time Scheduled: 5 min. Time Left: 130 min.				Time Avail: 135 min. - Time Scheduled: 10 min. Time Left: 125 min.	

Agenda Item #

Meeting Date

July 11, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Approve an Annual Merit Pay Adjustment for the City Manager

Prepared By: Sandy Zodrow SZ Dept Head Approval: CP City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Should the City Council approve an annual merit pay adjustment for the City Manager based upon a recent performance evaluation, which shall satisfy the employment agreement's requirements for a 6-month and 12-month review?

STAFF RECOMMENDATION

Approve an annual merit pay adjustment of 3% for the City Manager effective August 1, 2006, and acknowledge that the June 27, 2006, evaluation conducted by the City Council shall also serve as the performance evaluation to be conducted by August 1, 2006, as required by the City Manager's employment agreement.

KEY FACTS AND INFORMATION SUMMARY

The City Manager's employment agreement requires Council to conduct performance evaluations 6 months after the start of the contract (March 1, 2006) and 12 months after the start of the contract (August 1, 2006). Thereafter, evaluations will be performed on an annual basis.

City Council conducted the six-month review on June 27, 2006. The City Council will approve a merit adjustment for the City Manager and determine whether the June 27, 2006 performance evaluation, also satisfies the requirement for an evaluation by August 1, 2006. The proposed salary adjustment is for 3% per year effective August 1, 2006, based on good performance and progress toward achievement of City Council goals.

OTHER ALTERNATIVES CONSIDERED

Do not adjust the City Manager's pay rate or adjust it by a different amount.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

A merit increase is offered to the City Manager based on progress toward achieving City Council and Vision Task Force goals.

ATTACHMENT LIST

None.

FISCAL NOTES

This action will increase the City Manager's salary by \$3,575 per year. Funds are available in the FY 2006-07 budget for this purpose.

i:\adm\packet '06\060711\ment pay aduslment for city manager - ais.doc

Agenda Item #

Meeting Date

July 11, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Tualatin Valley Fire and Rescue (TVF&R) Deployment Report

Prepared By: Bill Dickinson Dept Head Okay inn City Mgr Okay cl

ISSUE BEFORE THE COUNCIL AND KEY FACTS

The Fire Department will provide a briefing on the site selection and deployment of the planned Walnut Street Fire Station.

STAFF RECOMMENDATION

Staff report and public information briefing. No action required.

KEY FACTS AND INFORMATION SUMMARY

TVF&R has completed a site assessment for deploying a new fire station in the City of Tigard. Assistant Chief Paul LeSage will provide information on the Fire Department's site assessment, property purchase on Walnut Street, and future deployment.

OTHER ALTERNATIVES CONSIDERED

N/A.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Providing this outside agency service provider information to the City will help meet the goal of improving communication and relationships with community and citizens.

ATTACHMENT LIST

none.

FISCAL NOTES

This is a TVF&R project. TVF&R is an independent Fire District which delivers services in (and outside of) the City of Tigard. The City Council is not being asked for any fiscal decisions.

Agenda Item #

Meeting Date

July 11, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/ Agenda Title Legislative Public Hearing- Entryway Sign Code Amendment (DCA 2006-00001)

Prepared By: Sean Farrelly

Dept Head Okay

TC

City Mgr Okay

cl

ISSUE BEFORE THE COUNCIL

Should the Council approve the requested Development Code Amendment to create a definition of Entryway Signs and allow them in all zoning districts?

STAFF RECOMMENDATION

Staff recommends approving the requested Development Code Amendment by adopting the attached ordinance and text amendments (**Attachment 1**), as recommended by motion of the City of Tigard Planning Commission.

KEY FACTS AND INFORMATION SUMMARY

In January, 2006, the City adopted a new logo to enhance its image and sense of identity. As part of this effort, the City proposed installing signs with the new logo along roads at entry points into the City. A review of the Tigard Community Development Code revealed that there were no provisions for this type of sign.

To remedy this, staff drafted proposed changes to amend the Sign Chapter (18.780) of the Tigard Community Development Code. Notice procedures in the development code, including publication of notice in the paper and written notice to the appropriate agencies, were met. On June 5, 2006, the Tigard Planning Commission held a public hearing on the proposed changes. They recommended approval of the amendment by a vote of 5 to 1 in favor, with one abstention (**Attachment 2**).

OTHER ALTERNATIVES CONSIDERED

None were considered.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Community Character and Quality of Life, Community Aesthetics Goal No. 1: Identify and implement projects and activities that enhance aesthetic qualities valued by those who live and work in Tigard.

A planned action to implement this is to install portal area signage into Tigard to give the community a more defined entrance by the end of 2005 (e.g., special signage, landscaping themes, etc.)

ATTACHMENT LIST

- Attachment 1:** Ordinance adopting the code amendments
 Exhibit A: Proposed Code text changes
Attachment 2: June 5, 2006 Approved Planning Commission meeting minutes
Attachment 3: Staff Report to the Planning Commission

FISCAL NOTES

Not applicable

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

AN ORDINANCE AMENDING THE LANGUAGE OF THE CITY OF TIGARD COMMUNITY DEVELOPMENT CODE, CHAPTER 18.780, TO CREATE A NEW "ENTRYWAY SIGN" CATEGORY, AND TO ALLOW ENTRYWAY SIGNS IN ALL ZONING DISTRICTS. (DCA 2006-00001)

WHEREAS, the applicant has requested an amendment to the City of Tigard Community Development Code, Chapter 18.780, to create a definition of Entryway Signs and to allow them in all zoning districts; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public meeting on June 5, 2006, and recommended approval of the proposed amendment by motion, with five in favor, one opposed, and one abstention; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes, Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.380, 18.390, and 18.780; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goals 1 and 2; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "**EXHIBIT A**" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

Exhibit A

DCA 2006-00001

PROPOSED AMENDMENT TO THE TIGARD COMMUNITY
DEVELOPMENT CODE

ADDITIONS indicated by *Italics and Bold*

PROPOSED DEVELOPMENT CODE TEXT CHANGES:

Chapter 18.780 SIGNS

Section 18.780.015 Definitions

18. *"Entryway sign" means a sign placed by the City at an entry to the City.*

[Renumber definitions after No. 18 according to the above amendment.]

Section 18.780.090 Special Condition Signs

I. Entryway Signs

1. *Entryway Signs shall be permitted in all districts.*

CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
June 5, 2006

1. CALL TO ORDER

President Inman called the meeting to order at 7:02 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Brown, Buehner, Caffall, Duling, Meads, and Munro. Also present was Jeremy Vermilyea, Commission alternate.

Commissioners Absent: Commissioners Harbison and Walsh

Staff Present: Dick Bewersdorff, Planning Manager; Barbara Shields, Long Range Planning Manager; Sean Farrelly, Associate Planner; Jerree Lewis, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS

Commissioner Caffall reported that the Transportation Financing Task Force has been discussing the Hwy. 99W corridor improvements. When the improvements are under construction, they will try to eliminate some of the entry and exit ways along 99W to help improve traffic flow. The system development program is moving quickly. The grant for the Hwy. 99W improvements is scheduled to be complete by June 1st, however it most likely will be delayed. The Task Force also discussed Greenburg Road and the proposal to realign Center Street. The Burnham Street projects are all funded and ready to go. The Task Force will approach Council for a 3¢ gas tax to help fund some of the improvements.

Commissioner Buehner advised that the City received notice 8 months ago that the federal grant was approved. ODOT is just now developing the work program. Evidently, this is the first time ODOT has done one of these grants and they have to create a process. The Transportation Financing Task Force has also been discussing the possibility of implementing a City Traffic Impact Fee.

Commissioner Duling reported that members of the Committee for Citizen Involvement recently attended neighborhood workshops. Commissioner Duling attended the one at Tigard High School. She said the meeting was informative.

Commissioner Buehner advised that there have been some changes with the City Center Advisory Commission. There have been issues with respect to leadership and micromanaging. The Commission went to mediation last fall to resolve issues with the boundaries for the Downtown area. Last week, the Commission called for a vote of no confidence in the leadership. The Commission voted to replace the Chair and then elected Carl Switzer as the new Chair. Commissioner Buehner believes there have been some resignations of Commission members since then, however those that have stayed are very excited about continuing their work. The Commission will hold 2 meetings within the next 2 weeks and report to Council on June 20th.

Commissioner Munro advised that CCAC members had requested the resignation occur outside of the Commission. She regrets that members have resigned – they contributed a great deal of time and effort and were a resource that nobody wanted to lose.

Commissioner Meads noted that the Park and Recreation Advisory Board has not met.

4. APPROVE MEETING MINUTES

It was moved and seconded to approve the May 15, 2006 meeting minutes as submitted. The motion passed by a vote of 6-0. Commissioner Duling abstained.

5. PUBLIC HEARING

5.1 DEVELOPMENT CODE AMENDMENT (DCA) 2006-00001 ENTRYWAY SIGNS CODE AMENDMENT

REQUEST: The applicant is requesting approval of a Development Code Amendment to amend the Sign Code Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend Section 18.780.015 (Definitions) to add a definition of "Entryway Signs", and Section 18.780.090 (Special Condition Signs) to allow Entryway Signs in all zoning districts. **LOCATION:** City-wide. **ZONE:** All zoning districts. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goal 1 and 2.

STAFF REPORT

Associate Planner Sean Farrelly presented the proposal on behalf of the City. He advised that installing entryway signs is a part of the City's effort to enhance its sense of identity. Currently, there are no provisions in the Development Code allowing this type of sign. This proposal will amend the sign chapter of the Development Code to add a definition of an entryway sign. It will also add a Special Condition Signs section, permitting entryway signs in all districts.

Farrelly advised that the proposal is consistent with the stated purpose of the sign chapter. There will be a limited number of these signs and they are unlikely to distract motorists or create sign clutter. The signs will be erected by the City along public roads at entry points into the City to promote the City's image and sense of identity. He said staff recommends the Planning Commission approve the proposal and make a final recommendation to Council.

Staff provided the following answers in response to questions and comments from Commissioner Meads:

- The City is not proposing to replace existing entryway signs. These will be additional signs. The entryway signs will be more like a monument style.
- At this point, it's unknown how many signs will be installed. They will be installed along roads at prominent entry points into the City.
- Staff has not seen any plans yet for the signs. At this point, it is unknown how large the signs will be or what the graphics will look like. The signs will most likely have the City logo, with the words, "Now Entering the City of Tigard".
- It is unknown what the exact cost will be. The signs will be paid from the Public Works budget. If there isn't funding for the signs, they won't be installed. Cost is not an issue with regard to changing the code.

Commissioner Meads noted that all signs are a distraction – the point of having a sign is to draw people's attention to it. She also believes that installing more signs is adding to the proliferation of signs. Staff responded that the plan is to just have them at prominent points in the City – it may just be a handful of signs. This is a part of the branding process for the City.

Commissioner Caffall asked if this proposal wasn't premature. We don't know the size, location, what the signs will look like, or how they will be paid for. He would prefer if staff came with more information – perhaps even a prototype. How can he justify voting for something that he hasn't seen? Staff responded that the City just does not know the answers at this point, but the Public Works Department will come up with a design that's acceptable to City Council.

Commissioner Duling asked about standards for the signs – will they be alike or similar? This is unknown at this point.

Commissioner Buehner advised that she has attended Council meetings when this issue has come up. Council has general idea about the size of the sign and what it would say. She thinks Council plans to install signs at 5-6 locations. Council is still finalizing their plans.

President Inman asked if the signs would be more of an entryway monument vs. a regular sign. Staff answered yes. It would require agreements from property owners to put them on

private property. President Inman asked if there would be any review process involved. Staff said it would be a straight permit process.

Commissioner Munro noted that the Planning Commission acts as an advisory board to Council. The brand name was adopted by Council. She supports trusting the City and agrees that the Council will make sure funding is available. She stated that the role of the Commission is to look at this in the context of making an amendment to the Code, not to comment on the signs or the budget.

PUBLIC TESTIMONY

None

PUBLIC HEARING CLOSED

Commissioner Buehner moved that the Planning Commission make a recommendation to Council to approve the amendment of the Development Code, DCA 2006-00001, to amend the sign code to allow for entryway signs, as presented in the staff report. Commissioner Munro seconded the motion. The motion passed by a vote of 5-1. Commissioner Meads voted no and Commissioner Caffall abstained.

5.2 DEVELOPMENT CODE AMENDMENT (DCA) 2006-00002 CULTURAL INSTITUTIONS CODE AMENDMENT

REQUEST: The applicant is requesting approval of a Development Code Amendment to amend the Use Classifications Chapter (18.130) and the Sign Code Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend the uses allowed under Civic Use Types (Section 18.130.020.B.4) to allow incidental and subordinate commercial uses (such as a gift shop, bookstore, and limited food and beverage services). In addition, a new category "Cultural Institution Auxiliary Signs" would be created in the Special Condition Signs (Section 18.780.090). **LOCATION:** Within Cultural Institutions. **ZONE:** All zones where Cultural Institutions are an allowed use. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.130.020, 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goal 1 and 2.

STAFF REPORT

Associate Planner Sean Farrelly presented the proposal on behalf of the City. He advised that the new public library was designed with lobby space for a café to allow limited food and beverage service, mainly for library patrons and people attending events in the meeting room. The library is a cultural institution, which is allowed conditionally in the R-12 zone. Eating and drinking establishments are not permitted in this zone. This proposed

amendment would clarify the standing of the library's café and any similar future situations by adding subordinate and incidental commercial uses to the definition of cultural institutions. The proposal would also call for a new sign category in the Special Condition Signs section of the Development Code. The new category would be called Cultural Institution Auxiliary Signs and would allow the subordinating use to identify itself while restricting the size and placement of the sign.

Farrelly reported that accessory uses in cultural institutions are fairly common in other localities. Amending the definition of cultural institutions to allow these incidental and subordinate commercial uses would be beneficial to the institutions and the community. Externalities, such as traffic, are unlikely to be much of an issue because the incidental uses will serve mainly the patrons of the institutions.

Signs for the auxiliary use will be unobtrusive – the proposal has a limit of one sign per use, with an area of 4 square feet per face. No new freestanding sign will be allowed. The sign would have to be placed on an existing freestanding sign or on a wall if it is consistent in structure and materials.

Staff finds that the amendment meets applicable review criteria and recommends the Planning Commission approve the proposal and make a final recommendation to City Council.

Commissioner Duling asked if there was any liability to the City for food and beverage service. Farrelly noted that there would be a detailed contract involved with the vendor. Jeremy Vermilyea advised that presumably, there are indemnity and insurance requirements in the contract documents that would protect the City.

Commissioner Buehner asked if this type of use would be allowed in other City-owned buildings. Dick Bewersdorff advised that there was a coffee stand at City Hall previously, but City Hall is in commercial zone. The proposed amendment applies to both commercial and residential zones.

Commissioner Meads asked why this matter has suddenly come up. Staff answered that the City has had problems keeping vendors at the library and they think that a sign will help.

Commissioner Meads asked about the revenue. Staff responded that the City receives a base rent and a percentage of the profits. It was noted that the café is more of a service to patrons than a money-maker for the City.

Staff reported that no other libraries in Washington County have a café, but the new library planned for Hillsboro will have one.

Commissioner Caffall said no one wants to see a "McDonald's" sign hanging under the library sign. Staff said the signs would be strictly limited to 4 square feet per sign face. If it's going to be on the wall, it has to be of matching materials and structure.

Commissioner Munro advised that TriMet has a number of areas where they would like to have concessionaires. She said that having a sign is a common strategy and is needed in order to be competitive.

President Inman asked if there were any other places in the City where this would apply and wondered if the City should be limiting this type of use. Staff answered that it would have to be a use that was definitely secondary to the main use as a cultural institution. At this time, this is the only facility involved. Also, cultural institutions are a conditional use in residential zones, so they would have to go through the conditional use process.

PUBLIC TESTIMONY

None

PUBLIC HEARING CLOSED

Commissioner Munro moved to recommend to Council the amendment to the Development Code, DCA 2006-00002, to amend the Use Classification Chapter 18.130 and the Sign Code Chapter 18.780 of the Tigard Community Development Code, as per the staff report and discussions. Commissioner Caffall seconded the motion. The motion passed unanimously.

6. LONG RANGE PLANNING WORK PROGRAM

Long Range Planning Manager Barbara Shields discussed the Long Range Planning program and the presentations planned for the Planning Commission for the rest of the year (Exhibit A). She noted that the presentations can be divided into three major groups:

- Council goals: Comprehensive Plan Update and Downtown.
- Other programs, such as affordable housing, transportation, funding, environmental issues, parks and trails planning.
- Overall/global context for city planning: what impacts urbanization in America and how Tigard relates to the rest of the universe (demographics/immigration, new urban ideas, economic changes, social changes, sustainability, information; Think Globally/Plan Locally.

The presenters will be City planners and invited guests. Commissioner Buehner suggested inviting other boards and committees to attend the presentations. Commissioner Munro suggested inviting someone from the TriMet Planning Department to speak. Shields thinks this is a brilliant idea.

Commissioner Buehner asked about the timeline for the Commuter Rail Station. Commissioner Munro believes the final funding for the project is set for September or October. Shields advised that the Planning Commission will be looking at specific design standards as part of the Downtown Involvement Program.

Shields gave the Commissioners an assignment: between now and August, take 5-10 pictures that identify what they believe Tigard's sense of place is. Include a short description with each picture.

Commissioner Buehner suggested Tigard look at allowing taller buildings (3 or 4 stories) to make more efficient use of space, especially in the Downtown and other commercial areas.

7. OTHER BUSINESS

Commissioner Meads asked about being able to hold discussions in the conference room rather than in the public setting, much like a jury would do during a trial. Commissioner Buehner advised that the public meeting law prevents holding discussions in private. Commissioner Meads would like to see more interactive discussion amongst the Commissioners during hearings. President Inman agreed that discussions should have a lot more interaction.


Commissioner Duling expressed dismay at the approval of the Arlington Heights subdivision on Bull Mountain. This project has no parks, no open space, no Bull Mountain Community Plan; there are also tree removal, steep slopes, erosion, and traffic issues. She wonders how this happened. Staff responded that straight subdivisions do not have to go through the Planning Commission. Commissioner Buehner advised that the PD Review Committee would like to incorporate a lot of the Planned Development code changes into the Subdivision code. Commissioner Duling considers this the "rape of Bull Mountain".

8. ADJOURNMENT

The meeting adjourned at 8:23 p.m.



Jerree Lewis, Planning Commission Secretary



ATTEST: President Jodie Inman

Agenda Item: _____
Hearing Date: June 5, 2006 Time: 7:00 PM

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

FILE NAME: ENTRYWAY SIGNS DEVELOPMENT CODE AMENDMENT

FILE NO.: Development Code Amendment (DCA) DCA2006-00001

PROPOSAL: The City is requesting approval of a Development Code Amendment to amend the Sign Code Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend Section 18.780.015 (Definitions) to add a definition of "Entryway Signs", and Section 18.780.090 (Special Condition Signs) to allow Entryway Signs in all zoning districts.

APPLICANT: City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

OWNER: N/A

LOCATION: City-wide.

**COMP PLAN/
ZONING**

DESIGNATION: All zoning districts.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goals 1 and 2.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Tigard City Council to amend the Sign Code Chapter (18.780) to add a definition of "Entryway Signs" and to allow Entryway Signs in all zoning districts as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION

In January, 2006, the City of Tigard adopted a new logo, as part of an effort to enhance its image and sense of identity. To complement this effort, the City proposed to install signs with the new logo along public roads at entry points into the City. A review of the Tigard Community Development Code revealed that there were no provisions for this type of sign.

To remedy this, staff working with the City Attorney has drafted changes in the Tigard Development Code, Chapter 18.780: Signs. These changes would add an Entryway Sign definition and allow Entryway Signs in all zoning districts.

SECTION IV. APPLICABLE CRITERIA AND FINDINGS

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197;

Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following Statewide Planning Goals are applicable to this proposal:

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times Newspaper prior to the public hearing. Two Public Hearings are being held (one before the Planning Commission and the second before the City Council) in which public input is welcome.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

APPLICABLE METRO REGULATIONS:

There are no applicable Metro regulations with respect to signage or enforcement.

APPLICABLE COMPREHENSIVE PLAN POLICIES:

Comprehensive Plan Policy 1.1.1: General Policies

This policy states that all future legislative changes shall be consistent with the Statewide Planning Goals and the Regional Plan adopted by Metro. As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

Comprehensive Plan Policies 2.1.1, 2.1.2, and 2.1.3.: Citizen Involvement

These policies state that the City shall maintain an ongoing citizen involvement program, provide opportunities for citizen involvement appropriate to the scale of the planning effort and that information on land use planning issues shall be available in understandable form for all interested citizens.

This policy is satisfied because notice of the Planning Commission public hearing was published in the Tigard Times on May 18, 2006. Notice will be published again prior to the City Council public hearing. The written notices invited public input and included the phone number of a contact person to answer any questions. The information was written in plain, understandable language that avoided jargon.

APPLICABLE PROVISION OF THE CITY'S IMPLEMENTING ORDINANCES.

Tigard Development Code Chapter 18.780: Signs

This chapter establishes procedures and criteria for erecting signage within the City. The purpose of the sign regulations is:

1. To protect the health, safety, property and welfare of the public;
2. To promote the neat, clean, orderly and attractive appearance of the community;
3. To accommodate the need of sign users while avoiding nuisances to nearby properties;
4. To insure for safe construction, location, erection and maintenance of signs;
5. To prevent proliferation of signs and sign clutter; and
6. To minimize distractions for motorists on public highways and streets.

The proposal for entryway signs is consistent with the stated purpose. This type of sign would be erected by the City along public roads at a limited number of entry points to the City. Because there are a limited number of sites where this would be appropriate, this type of sign is unlikely to distract motorists or add to sign clutter. The proposed sign classification would promote the City's image and sense of identity.

Tigard Development Code Chapter 18.380: Zoning Map and Text Amendments

This chapter sets forth the standards and process governing legislative and quasi-judicial amendments to this title and zoning district map. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G. Therefore, the proposed text amendments to the Tigard Development Code will be reviewed under the Type IV legislative procedure as set forth in the chapter.

Tigard Development Code Chapter 18.390: Decision-Making Procedures

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter. Section 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors (reviewed above), including: 1) Statewide Planning Goals and Guidelines, 2) applicable federal of state statutes of regulations, 3) applicable METRO regulations, 4) applicable comprehensive plan policies, and 5) applicable provisions of the City's implementing ordinances.

SECTION V. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Long Range Planning Division, Building Division, City Administration, Community Development Department, Engineering Department, Police Department, and Public Works have had an opportunity to review this proposal and have no objections.

SECTION VI. OUTSIDE AGENCY COMMENTS

The Oregon Department of Land Conservation and Development, Metro, Oregon Department of Transportation, Washington County Department of Land Use and Transportation, and the Planning Directors of the cities of Durham, King City, Lake Oswego, Portland, and Tualatin were notified of the proposed amendments and did not respond.

The City of Beaverton Planning Manager has had an opportunity to review this proposal and made the following comment: "For consistency with other sign code provisions, you may want to consider placing a maximum size (area) and height on this sign type."

Response: No dimensions for these signs have been contemplated at this time. However, the Entryway Signs will be erected by the City and be designed to fit the context of where they are placed.

ATTACHMENT:

EXHIBIT A: PROPOSED AMENDMENTS TO THE TIGARD COMMUNITY DEVELOPMENT CODE.

PREPARED BY: Sean Farrelly
Associate Planner

May 24, 2006
DATE

APPROVED BY: Tom Coffee
Interim Community Development Director

May 24, 2006
DATE

Agenda Item #
Meeting Date

July 11, 2006

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Legislative Public Hearing- Incidental Commercial Uses in Cultural Institutions Code Amendment (DCA 2006-00002)

Prepared By: Sean Farrelly Dept Head Okay TC City Mgr Okay CR

ISSUE BEFORE THE COUNCIL

Should the Council approve the requested Development Code Amendment to allow incidental and subordinate commercial uses in Cultural Institutions and create a category of Cultural Institution Auxiliary Signs?

STAFF RECOMMENDATION

Staff recommends approving the requested Development Code Amendment by adopting the attached ordinance and text amendments (**Attachment 1**), as recommended by motion of the City of Tigard Planning Commission.

KEY FACTS AND INFORMATION SUMMARY

The proposed amendment would clarify the status of a café that occupies the space in the Tigard Library by allowing incidental and subordinate uses in Cultural Institutions. A new category of Cultural Institution Auxiliary Signs would be created with strict limits. Only one sign is allowed and is limited to 4 square feet per face. The sign must be either within an existing free standing sign, or a wall sign, consistent in structure and materials with any existing wall sign on the Cultural Institution.

Staff drafted proposed changes to amend the Use Chapter (18.130) and Sign Chapter (18.780) of the Tigard Community Development Code. Notice procedures in the development code, including publication of notice in the paper, and written notice to the appropriate agencies were met. On June 5, 2006, the Tigard Planning Commission held a public hearing on the proposed changes. They recommended approval of the amendment by a unanimous vote (**Attachment 2**).

OTHER ALTERNATIVES CONSIDERED

None were considered.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Not applicable.

- Attachment 1:** Ordinance adopting the code amendments
Exhibit A: Proposed Code text changes
Attachment 2: June 5, 2006 Approved Planning Commission meeting minutes
Attachment 3: Staff Report to the Planning Commission
-

FISCAL NOTES

Not applicable

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE, CHAPTERS 18.130 AND 18.780, TO ALLOW INCIDENTAL AND SUBORDINATE COMMERCIAL USES IN CULTURAL INSTITUTIONS AND TO CREATE A "CULTURAL INSTITUTION AUXILIARY SIGN" CATEGORY (DCA 2006-00002.)

WHEREAS, the applicant has requested an amendment to the Tigard Community Development Code Chapters 18.130 and 18.780, to allow incidental and subordinate commercial uses in Cultural Institutions and create a new "Cultural Institution Auxiliary Sign" category; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public meeting on June 5, 2006, and recommended approval of the proposed amendment by motion with a unanimous vote; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.130, 18.380, 18.390, and 18.780; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goals 1 and 2.

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "EXHIBIT A" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

DCA 2006-00002

PROPOSED AMENDMENTS TO THE TIGARD COMMUNITY
DEVELOPMENT CODE

ADDITIONS indicated by *Italics and Bold*

PROPOSED DEVELOPMENT CODE TEXT CHANGES:

Chapter 18.130 USE CLASSIFICATIONS

Section 18.130.020 Listing of Use Categories

B. Civic use types.

4. Cultural Institutions: Public or non-profit cultural facilities including libraries, museums and galleries. *May include incidental and subordinate commercial uses such as a gift shop, bookstore, and limited food and beverage services.*

Chapter 18.780 SIGNS

Section 18.780.015 Definitions

12. *"Cultural Institution Auxiliary Sign" means a sign placed and maintained by, or on behalf of, a subordinate commercial use in a Cultural Institution.*

[Renumber definitions after No. 12 according to the above amendment.]

Section 18.780.090 Special Condition Signs

J. Cultural Institution Auxiliary Signs

1. *Cultural Institution Auxiliary Signs shall be permitted in all zoning districts.*
2. *Cultural Institution Auxiliary Signs are limited to one sign and must be either within the same sign structure as another free-standing sign on the property where the Cultural Institution is located or on a wall of the primary building of the Cultural Institution. A wall sign must be consistent in structure and materials with any existing wall sign on the Cultural Institution. The sign area of a Cultural Institution Auxiliary Sign shall not exceed 4 square feet per face.*

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
June 5, 2006**

1. CALL TO ORDER

President Inman called the meeting to order at 7:02 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Brown, Buehner, Caffall, Duling, Meads, and Munro. Also present was Jeremy Vermilyea, Commission alternate.

Commissioners Absent: Commissioners Harbison and Walsh

Staff Present: Dick Bewersdorff, Planning Manager; Barbara Shields, Long Range Planning Manager; Sean Farrelly, Associate Planner; Jerree Lewis, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS

Commissioner Caffall reported that the Transportation Financing Task Force has been discussing the Hwy. 99W corridor improvements. When the improvements are under construction, they will try to eliminate some of the entry and exit ways along 99W to help improve traffic flow. The system development program is moving quickly. The grant for the Hwy. 99W improvements is scheduled to be complete by June 1st, however it most likely will be delayed. The Task Force also discussed Greenburg Road and the proposal to realign Center Street. The Burnham Street projects are all funded and ready to go. The Task Force will approach Council for a 3¢ gas tax to help fund some of the improvements.

Commissioner Buehner advised that the City received notice 8 months ago that the federal grant was approved. ODOT is just now developing the work program. Evidently, this is the first time ODOT has done one of these grants and they have to create a process. The Transportation Financing Task Force has also been discussing the possibility of implementing a City Traffic Impact Fee.

Commissioner Duling reported that members of the Committee for Citizen Involvement recently attended neighborhood workshops. Commissioner Duling attended the one at Tigard High School. She said the meeting was informative.

Commissioner Buehner advised that there have been some changes with the City Center Advisory Commission. There have been issues with respect to leadership and micromanaging. The Commission went to mediation last fall to resolve issues with the boundaries for the Downtown area. Last week, the Commission called for a vote of no confidence in the leadership. The Commission voted to replace the Chair and then elected Carl Switzer as the new Chair. Commissioner Buehner believes there have been some resignations of Commission members since then, however those that have stayed are very excited about continuing their work. The Commission will hold 2 meetings within the next 2 weeks and report to Council on June 20th.

Commissioner Munro advised that CCAC members had requested the resignation occur outside of the Commission. She regrets that members have resigned – they contributed a great deal of time and effort and were a resource that nobody wanted to lose.

Commissioner Meads noted that the Park and Recreation Advisory Board has not met.

4. APPROVE MEETING MINUTES

It was moved and seconded to approve the May 15, 2006 meeting minutes as submitted. The motion passed by a vote of 6-0. Commissioner Duling abstained.

5. PUBLIC HEARING

5.1 DEVELOPMENT CODE AMENDMENT (DCA) 2006-00001 ENTRYWAY SIGNS CODE AMENDMENT

REQUEST: The applicant is requesting approval of a Development Code Amendment to amend the Sign Code Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend Section 18.780.015 (Definitions) to add a definition of "Entryway Signs", and Section 18.780.090 (Special Condition Signs) to allow Entryway Signs in all zoning districts. **LOCATION:** City-wide. **ZONE:** All zoning districts. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goal 1 and 2.

STAFF REPORT

Associate Planner Sean Farrelly presented the proposal on behalf of the City. He advised that installing entryway signs is a part of the City's effort to enhance its sense of identity. Currently, there are no provisions in the Development Code allowing this type of sign. This proposal will amend the sign chapter of the Development Code to add a definition of an entryway sign. It will also add a Special Condition Signs section, permitting entryway signs in all districts.

Farrelly advised that the proposal is consistent with the stated purpose of the sign chapter. There will be a limited number of these signs and they are unlikely to distract motorists or create sign clutter. The signs will be erected by the City along public roads at entry points into the City to promote the City's image and sense of identity. He said staff recommends the Planning Commission approve the proposal and make a final recommendation to Council.

Staff provided the following answers in response to questions and comments from Commissioner Meads:

- The City is not proposing to replace existing entryway signs. These will be additional signs. The entryway signs will be more like a monument style.
- At this point, it's unknown how many signs will be installed. They will be installed along roads at prominent entry points into the City.
- Staff has not seen any plans yet for the signs. At this point, it is unknown how large the signs will be or what the graphics will look like. The signs will most likely have the City logo, with the words, "Now Entering the City of Tigard".
- It is unknown what the exact cost will be. The signs will be paid from the Public Works budget. If there isn't funding for the signs, they won't be installed. Cost is not an issue with regard to changing the code.

Commissioner Meads noted that all signs are a distraction – the point of having a sign is to draw people's attention to it. She also believes that installing more signs is adding to the proliferation of signs. Staff responded that the plan is to just have them at prominent points in the City – it may just be a handful of signs. This is a part of the branding process for the City.

Commissioner Caffall asked if this proposal wasn't premature. We don't know the size, location, what the signs will look like, or how they will be paid for. He would prefer if staff came with more information – perhaps even a prototype. How can he justify voting for something that he hasn't seen? Staff responded that the City just does not know the answers at this point, but the Public Works Department will come up with a design that's acceptable to City Council.

Commissioner Duling asked about standards for the signs – will they be alike or similar? This is unknown at this point.

Commissioner Buehner advised that she has attended Council meetings when this issue has come up. Council has general idea about the size of the sign and what it would say. She thinks Council plans to install signs at 5-6 locations. Council is still finalizing their plans.

President Inman asked if the signs would be more of an entryway monument vs. a regular sign. Staff answered yes. It would require agreements from property owners to put them on

private property. President Inman asked if there would be any review process involved. Staff said it would be a straight permit process.

Commissioner Munro noted that the Planning Commission acts as an advisory board to Council. The brand name was adopted by Council. She supports trusting the City and agrees that the Council will make sure funding is available. She stated that the role of the Commission is to look at this in the context of making an amendment to the Code, not to comment on the signs or the budget.

PUBLIC TESTIMONY

None

PUBLIC HEARING CLOSED

Commissioner Buehner moved that the Planning Commission make a recommendation to Council to approve the amendment of the Development Code, DCA 2006-00001, to amend the sign code to allow for entryway signs, as presented in the staff report. Commissioner Munro seconded the motion. The motion passed by a vote of 5-1. Commissioner Meads voted no and Commissioner Caffall abstained.

5.2 DEVELOPMENT CODE AMENDMENT (DCA) 2006-00002 CULTURAL INSTITUTIONS CODE AMENDMENT

REQUEST: The applicant is requesting approval of a Development Code Amendment to amend the Use Classifications Chapter (18.130) and the Sign Code Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend the uses allowed under Civic Use Types (Section 18.130.020.B.4) to allow incidental and subordinate commercial uses (such as a gift shop, bookstore, and limited food and beverage services). In addition, a new category "Cultural Institution Auxiliary Signs" would be created in the Special Condition Signs (Section 18.780.090). **LOCATION:** Within Cultural Institutions. **ZONE:** All zones where Cultural Institutions are an allowed use. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.130.020, 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goal 1 and 2.

STAFF REPORT

Associate Planner Sean Farrelly presented the proposal on behalf of the City. He advised that the new public library was designed with lobby space for a café to allow limited food and beverage service, mainly for library patrons and people attending events in the meeting room. The library is a cultural institution, which is allowed conditionally in the R-12 zone. Eating and drinking establishments are not permitted in this zone. This proposed

amendment would clarify the standing of the library's café and any similar future situations by adding subordinate and incidental commercial uses to the definition of cultural institutions. The proposal would also call for a new sign category in the Special Condition Signs section of the Development Code. The new category would be called Cultural Institution Auxiliary Signs and would allow the subordinating use to identify itself while restricting the size and placement of the sign.

Farrelly reported that accessory uses in cultural institutions are fairly common in other localities. Amending the definition of cultural institutions to allow these incidental and subordinate commercial uses would be beneficial to the institutions and the community. Externalities, such as traffic, are unlikely to be much of an issue because the incidental uses will serve mainly the patrons of the institutions.

Signs for the auxiliary use will be unobtrusive – the proposal has a limit of one sign per use, with an area of 4 square feet per face. No new freestanding sign will be allowed. The sign would have to be placed on an existing freestanding sign or on a wall if it is consistent in structure and materials.

Staff finds that the amendment meets applicable review criteria and recommends the Planning Commission approve the proposal and make a final recommendation to City Council.

Commissioner Duling asked if there was any liability to the City for food and beverage service. Farrelly noted that there would be a detailed contract involved with the vendor. Jeremy Vermilyea advised that presumably, there are indemnity and insurance requirements in the contract documents that would protect the City.

Commissioner Buehner asked if this type of use would be allowed in other City-owned buildings. Dick Bowersdorff advised that there was a coffee stand at City Hall previously, but City Hall is in commercial zone. The proposed amendment applies to both commercial and residential zones.

Commissioner Meads asked why this matter has suddenly come up. Staff answered that the City has had problems keeping vendors at the library and they think that a sign will help.

Commissioner Meads asked about the revenue. Staff responded that the City receives a base rent and a percentage of the profits. It was noted that the café is more of a service to patrons than a money-maker for the City.

Staff reported that no other libraries in Washington County have a café, but the new library planned for Hillsboro will have one.

Commissioner Caffall said no one wants to see a "McDonald's" sign hanging under the library sign. Staff said the signs would be strictly limited to 4 square feet per sign face. If it's going to be on the wall, it has to be of matching materials and structure.

Commissioner Munro advised that TriMet has a number of areas where they would like to have concessionaires. She said that having a sign is a common strategy and is needed in order to be competitive.

President Inman asked if there were any other places in the City where this would apply and wondered if the City should be limiting this type of use. Staff answered that it would have to be a use that was definitely secondary to the main use as a cultural institution. At this time, this is the only facility involved. Also, cultural institutions are a conditional use in residential zones, so they would have to go through the conditional use process.

PUBLIC TESTIMONY

None

PUBLIC HEARING CLOSED

Commissioner Munro moved to recommend to Council the amendment to the Development Code, DCA 2006-00002, to amend the Use Classification Chapter 18.130 and the Sign Code Chapter 18.780 of the Tigard Community Development Code, as per the staff report and discussions. Commissioner Caffall seconded the motion. The motion passed unanimously.

6. LONG RANGE PLANNING WORK PROGRAM

Long Range Planning Manager Barbara Shields discussed the Long Range Planning program and the presentations planned for the Planning Commission for the rest of the year (Exhibit A). She noted that the presentations can be divided into three major groups:

- Council goals: Comprehensive Plan Update and Downtown.
- Other programs, such as affordable housing, transportation, funding, environmental issues, parks and trails planning.
- Overall/global context for city planning: what impacts urbanization in America and how Tigard relates to the rest of the universe (demographics/immigration, new urban ideas, economic changes, social changes, sustainability, information; Think Globally/Plan Locally.

The presenters will be City planners and invited guests. Commissioner Buehner suggested inviting other boards and committees to attend the presentations. Commissioner Munro suggested inviting someone from the TriMet Planning Department to speak. Shields thinks this is a brilliant idea.

Commissioner Buehner asked about the timeline for the Commuter Rail Station. Commissioner Munro believes the final funding for the project is set for September or October. Shields advised that the Planning Commission will be looking at specific design standards as part of the Downtown Involvement Program.

Shields gave the Commissioners an assignment: between now and August, take 5-10 pictures that identify what they believe Tigard's sense of place is. Include a short description with each picture.

Commissioner Buehner suggested Tigard look at allowing taller buildings (3 or 4 stories) to make more efficient use of space, especially in the Downtown and other commercial areas.

7. OTHER BUSINESS

Commissioner Meads asked about being able to hold discussions in the conference room rather than in the public setting, much like a jury would do during a trial. Commissioner Buehner advised that the public meeting law prevents holding discussions in private. Commissioner Meads would like to see more interactive discussion amongst the Commissioners during hearings. President Inman agreed that discussions should have a lot more interaction.


Commissioner Duling expressed dismay at the approval of the Arlington Heights subdivision on Bull Mountain. This project has no parks, no open space, no Bull Mountain Community Plan; there are also tree removal, steep slopes, erosion, and traffic issues. She wonders how this happened. Staff responded that straight subdivisions do not have to go through the Planning Commission. Commissioner Buehner advised that the PD Review Committee would like to incorporate a lot of the Planned Development code changes into the Subdivision code. Commissioner Duling considers this the "rape of Bull Mountain".

8. ADJOURNMENT

The meeting adjourned at 8:23 p.m.



Jerree Lewis, Planning Commission Secretary



ATTEST: President Jodie Inman

Agenda Item:

Hearing Date: June 5, 2006 Time: 7:00 PM

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**

**SECTION I. APPLICATION SUMMARY**

FILE NAME: DEVELOPMENT CODE AMENDMENT TO ALLOW INCIDENTAL AND SUBORDINATE COMMERCIAL USES IN CULTURAL INSTITUTIONS

FILE NO.: Development Code Amendment (DCA) DCA2006-00002

PROPOSAL: The City is requesting approval of a Development Code Amendment to amend the Use Classifications Chapter (18.130) and the Sign Code Chapter (18.780) of the Tigard Community Development Code. The proposed amendment would amend the uses allowed under *Civic Use Types* (Section 18.130.020.B.4) to allow incidental and subordinate commercial uses (such as gift shops, bookstores, and limited food and beverage services) in Cultural Institutions. In addition, a new category "Cultural Institution Auxiliary Signs" would be created in the Special Condition Signs section (18.780.090).

APPLICANT: City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

OWNER: N/A

LOCATION: Within Cultural Institutions.

**COMP PLAN/
ZONING**

DESIGNATION: All zones where Cultural Institutions are an allowed use.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.130.020, 18.380.020, 18.390.060, 18.780.015 and 18.780.090; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goals 1 and 2.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Tigard City Council to amend the Use Classifications Chapter (18.130) and the Sign Code Chapter (18.780) of the Tigard Community Development Code as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION

The new Tigard Public Library opened in 2004. As a result of feedback from citizen surveys, the new library building was designed with lobby space for a café to offer limited food and beverage services to patrons.

The status of a café that occupies the space in the Tigard Library needs to be clarified. Libraries are considered Cultural Institutions in the Civic Use category in the Tigard Development Code. Cultural Institutions are a Conditional Use in the R-12 Zone (which the library is within.) Eating and Drinking Establishments are Not Permitted uses in the R-12 zone (Table 18.510.1). However, a café in a library is an accessory use, open only during library hours and serving mainly library patrons and people attending events in the Community Room.

This proposed amendment would clarify the standing of this café as a subordinate auxiliary use to the main Cultural Institutional use of the library. A wider benefit of this amendment is allowing convenient services for patrons of Cultural Institutions, as well as supplemental income for public and non-profit entities. The externalities associated with commercial uses, such as increased traffic, are unlikely to be an issue because these incidental uses will serve mainly patrons of the institutions.

Accessory uses in cultural institutions have become fairly common in other localities. The main branch of the Multnomah County Library has a gift shop in its lobby. Many museums, such as the Oregon Historical Society, have gift shops and/or food service located within their buildings.

A new classification, Cultural Institution Auxiliary Signs, is proposed to be created in Chapter 18.780: Signs. This type of sign would be restricted in size, and would enable the subordinate use to identify itself.

SECTION IV. APPLICABLE CRITERIA AND FINDINGS

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197;

Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following Statewide Planning Goals are applicable to this proposal:

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for

changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times Newspaper prior to the public hearing. Two Public Hearings are being held (one before the Planning Commission and the second before the City Council) in which public input is welcome.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

APPLICABLE METRO REGULATIONS:

There are no applicable Metro regulations that this amendment directly impacts.

APPLICABLE COMPREHENSIVE PLAN POLICIES:

Comprehensive Plan Policy 1.1.1: General Policies

This policy states that all future legislative changes shall be consistent with the Statewide Planning Goals and the Regional Plan adopted by Metro. As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

Comprehensive Plan Policies 2.1.1, 2.1.2, and 2.1.3.: Citizen Involvement

These policies state that the City shall maintain an ongoing citizen involvement program, provide opportunities for citizen involvement appropriate to the scale of the planning effort and that information on land use planning issues shall be available in understandable form for all interested citizens.

This policy is satisfied because notice of the Planning Commission public hearing was published in the Tigard Times on May 18, 2006. Notice will be published again prior to the City Council public hearing. The written notices invited public input and included the phone number of a contact person to answer any questions. The information was written in plain, understandable language that avoided jargon.

APPLICABLE PROVISION OF THE CITY'S IMPLEMENTING ORDINANCES.

Tigard Development Code Section 18.130

This chapter classifies uses into a limited number of use types on the basis of common characteristics, to provide a basis for the regulation of uses in accordance with criteria which are directly relevant to the public interest.

Cultural Institutions is a classification under Civic Type Uses. Amending the definition to allow incidental and subordinate commercial uses would be beneficial to the institutions and the community. The externalities associated with commercial uses (traffic, etc.) are unlikely to be an issue because the incidental uses will serve mainly patrons of the institutions. The uses will operate during the times the Cultural Institution is open.

As Cultural Institutions are conditional uses in Residential zones any new public institution with a subordinate commercial use would have to address the impact on the surrounding neighborhood during the application process.

Tigard Development Code Chapter 18.380: Zoning Map and Text Amendments

This chapter sets forth the standards and process governing legislative and quasi-judicial amendments to this title and zoning district map. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G. Therefore, the proposed text amendments to the Tigard Development Code will be reviewed under the Type IV legislative procedure as set forth in the chapter.

Tigard Development Code Chapter 18.390: Decision-Making Procedures

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter. Section 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors (reviewed above), including: 1) Statewide Planning Goals and Guidelines, 2) applicable federal or state statutes or regulations, 3) applicable METRO regulations, 4) applicable comprehensive plan policies, and 5) applicable provisions of the City's implementing ordinances.

Tigard Development Code Chapter 18.780: Signs

This chapter establishes procedures and criteria for erecting signage within the City. The purpose of the sign regulations is:

1. To protect the health, safety, property and welfare of the public;
2. To promote the neat, clean, orderly and attractive appearance of the community;
3. To accommodate the need of sign users while avoiding nuisances to nearby properties;
4. To insure for safe construction, location, erection and maintenance of signs;
5. To prevent proliferation of signs and sign clutter; and
6. To minimize distractions for motorists on public highways and streets.

This proposal for Cultural Institution Auxiliary Signs is consistent with the stated purpose. Such a sign would allow an incidental commercial use in a Cultural Institution to identify itself. It is possible that the sign could attract a passing motorist to the use. However, since the subordinate use is only open when the institution is open, significant additional traffic is not likely to be generated by such a sign.

Any signs that are erected would be unobtrusive, since the proposal limits the sign area to 4 square feet per face. If a wall sign is erected it must be consistent in structure and materials with any existing wall sign on the Cultural Institution.

SECTION V. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Long Range Planning Division, Building Division, Community Development Department, Police Department, and Public Works have had an opportunity to review this proposal and have no objections.

SECTION VI. OUTSIDE AGENCY COMMENTS

The Oregon Department of Land Conservation and Development, Metro, Oregon Department of Transportation, Washington County Department of Land Use and Transportation, and the Planning Directors of the cities of Durham, King City, Lake Oswego, Portland, and Tualatin, were notified of the proposed amendments and did not respond.

The Planning Director of the City of Beaverton responded and had no objections.

ATTACHMENT:

**EXHIBIT A: PROPOSED AMENDMENTS TO THE TIGARD COMMUNITY
DEVELOPMENT CODE.**

PREPARED BY: Sean Farrelly
Associate Planner

May 24, 2006
DATE

APPROVED BY: Tom Coffee
Interim Community Development Director

May 24, 2006
DATE

Agenda Item #
Meeting Date

2
July 11, 2006

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Comments to Washington County Commissioners Regarding Proposed Incorporation of Bull Mountain

Prepared By: Tom Coffee & Gary Firestone Dept Head Approval: TC City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Review and formalize the City's position on the incorporation of Bull Mountain to be communicated to Washington County.

STAFF RECOMMENDATION

Provide direction to staff for the formalization of the City's position.

KEY FACTS AND INFORMATION SUMMARY

A petition for the incorporation of Bull Mountain has been accepted by Washington County and a public hearing has been scheduled by the County Commissioners for July 25, 2006. If the City of Tigard wishes to participate and thereby establish its standing in the proceedings, the City should appear at the hearing and provide testimony. A memorandum summarizing the staff's understanding of the Mayor and Council's current position on the proposed incorporation is attached for Council review and deliberation.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal: Clarify City's position on the provision of urban services to unincorporated areas and in the best interests of the citizens of Tigard.

ATTACHMENT LIST

Attachment 1: Memo and attachments to Mayor and City Council from Tom Coffee and Gary Firestone –
Comments to Washington County Commissioners Regarding the Proposed City of Bull Mountain
– dated July 3, 2006

FISCAL NOTES

The subsidy of urban services to unincorporated or incorporated Bull Mountain has not been determined.



MEMORANDUM

TO: Mayor and City Council

FROM: Tom Coffee, Interim CD Director
Gary Firestone, City Attorney

RE: Comments to Washington County Commissioners Regarding the
Proposed City of Bull Mountain

DATE: July 3, 2006

Introduction

The City Council has discussed the proposed incorporation of Bull Mountain at several meetings including study sessions, executive sessions, a workshop, and business meetings. This memorandum is provided as summary of the City Council's current position on the proposed incorporation as it is understood by staff. Subject to further clarification and articulation by the Mayor and Council, this memorandum can also serve as the basis for comments or testimony that may be submitted to the Washington County Commissioners at the scheduled hearing(s) on the matter.

The Incorporation Process

The Mayor and City Council of Tigard have stated that they have no intention of raising procedural objections to the incorporation process for Bull Mountain. The City has agreed with the County to terminate the Urban Services Intergovernmental Agreement that applies to the incorporated Bull Mountain area effective July 20, 2006. The City has also advised County staff that it also has no objections to the amendment of the Urban Planning Area Agreement and the Tigard Urban Services Agreement to include language so that neither agreement would constitute a technical or legal barrier to incorporation.

Applicable Evaluation Criteria

State law provides criteria for the County Commissioners to evaluate whether or not a proposed incorporation should be scheduled for an election by the residents of the proposed city. Those criteria include a demonstration that: "... the proposed city must plan for and provide urban services in a cost-effective manner at the minimum level adequate to meet current needs and projected growth." An economic feasibility study is required that contains: "Proposed first and third year budgets for the new city demonstrating its economic feasibility." ORS 221 also allows the governing body of a neighboring city to raise objections to the proposed incorporation if it finds that it will adversely affect the city.

The City Council has reviewed and discussed a memorandum from staff dated June 14, 2006 (Attachment A) that provided preliminary findings with regard to the above evaluation criteria that is prescribed by state law. The Council also heard comments from representatives of Bull Mountain Citizens for Incorporation regarding the June 14th Memorandum at its workshop on June 21, 2006.

The City Council has indicated that it believes that the Memorandum provides valuable input to the incorporation process in that it raises questions that should be resolved by the County Commissioners prior to any decision to set the proposed incorporation for an election.

Effects on City Services

A significant issue for the City Council is the effect that the incorporated City of Bull Mountain would have on services provided by the City of Tigard, specifically, Library, Police and Parks services. The City of Tigard taxpayers would be subsidizing Bull Mountain residents' use of city parks and library to the extent that they do not contribute to the capital maintenance and operation costs of those facilities. Similarly, the extent to which law enforcement services provided through contract with the County Sheriff are supplemented by City of Tigard police services, Tigard taxpayers will be subsidizing the new City of Bull Mountain.

This has been a concern of the City Council for some time and that concern would not be resolved through the creation of the City of Bull Mountain. The problem of taxpayer equity may in fact be made more intractable.

Amendment of Proposed Boundaries

The City of Tigard understands that the Washington County Board of Commissioners is likely to refer to the voters the matter of incorporation the Bull Mountain area as a city. If the Board does so, the City requests that the boundary as proposed by petitioners be amended so that certain properties owned by the City of Tigard not be included within the area of the proposed new city.

Tigard currently owns, is in the process of acquiring, or controls property in three different areas within the area proposed for incorporation into the proposed new city. Tigard accepts that two of the areas, one adjacent to Area 63 and the two parcels on High Tor Drive may be included within the proposed new city to provide for regular and rational boundaries. However, the City owns a very large area of property in the Sunrise Lane, 150th Avenue and Menlor Lane area, and is acquiring additional property in that area. Tigard requests that the County not include this Tigard-owned property within the proposed new city. The City further requests that the boundaries in this area be rational, and follow streets and property lines within minimal changes in direction of the boundaries.

The City proposes that in this area, the limits of the proposed new city be set at a line extending along Sunset Lane west of 147th, and continuing west along existing property lines

at the point where Sunrise Lane turns north. The eastern edge of the proposed new city should be set at the western edge of the property currently owned by Tigard, and that boundary line should be extended south to the point it intersects with the line extending westwards from Sunrise Lane.

At the northern edge, the boundary should follow Tigard-owned property south of 154th Avenue, and then run east from the corner of the Tigard property along the line separating small lots on Fir Tree Drive from the large lots to the south. The east-west boundary should extend to the intersection of Menlor Lane and Sunrise Lane. The boundary should then follow Menlor Lane to the point that it reaches the Tigard city limits west of the Fern Street - Menlor Lane intersection. A map showing the boundary line proposed by the City of Tigard and showing the property owned and being purchased by the Tigard is attached (Attachment B).

REASONS FOR PROPOSED BOUNDARY

Tigard recommends the change in the proposed boundary for several reasons, the most obvious of which is that it simply defies common sense for significant areas and public facilities owned by one city to be included in another city. Inclusion of the Tigard property in the area described above within the proposed new city would be contrary to ORS 221.040(2), which prohibits the inclusion of land in a new city if the land would not be benefited by the inclusion.

ORS 221.040(2)

ORS 221.040(2) provides in part:

The [Board of Commissioners] may alter the boundaries of the proposed incorporated city, but shall not modify the boundaries so as to exclude any land that would be benefited by the formation of the proposed city. No land shall be included in the proposed city which will not, in the judgment of the [Board of Commissioners] be benefited.

The Tigard-owned land would not be benefited in any way by inclusion in the proposed city. It would not receive any additional services from the proposed city. About the only service that the proposed new city will be providing is planning services, and the property already can receive planning services. Much of the area will be parks, and Tigard parks should be subject to Tigard's ordinances governing use of parks. Tigard's parks should also be policed by Tigard's police.

In addition to the property not benefiting from the annexation, inclusion of the Tigard-owned properties would not result in any tax revenues for the new city. Given that the proposed new city will provide fewer services at a higher tax rate than Tigard, inclusion of substantial amounts of tax-exempt property would be a potential detriment to the new city's financial status.

Urban Facility Planning Efforts

Tigard provides water services not only within Tigard but to King City, Durham, and currently unincorporated areas. If the Bull Mountain area is incorporated, Tigard would continue to provide water service. Tigard also provides parks services. The property owned by Tigard is planned to include both parks and water reservoirs and facilities. Tigard has long planned for these facilities, on the assumption that the area would be included within the Tigard city limits. To bring these properties within another city would be inconsistent with Goals 2 and 11 relating to planning and the provision of public facilities because it would interfere with Tigard's planning efforts and interfere with the provision of public facilities.

These areas should be included within Tigard so that they remain subject to Tigard jurisdiction. If these areas are included within the proposed city, there is at least a risk that park development would be delayed, because Tigard would have little incentive to develop parks that are located in another city.

Reasonable Boundary

In *Portland General Electric Co. v. City of Estacada*, 194 Or 145, 241 P2d 1129 (1952), the Oregon Supreme Court held that all decisions by political subdivisions, including annexation decisions, must be "reasonable." Similarly, a decision concerning incorporation of a city must be "reasonable." *PGE v. Estacada* remains good law and has not been superseded by statute. *DLCD v. City of St. Helens*, 138 Or App 222, 907 P2d 259 (1995). Reasonableness at a minimum involves whether the property sought to be included within a city will be used to house the city's residents, to provide city streets, or otherwise serve the city. *Id.* The Tigard-owned property will not be used to house Bull Mountain residents, to provide Bull Mountain streets, or to otherwise meet the needs of Bull Mountain. While it will be used to provide water to Bull Mountain residents, the proposed city is not the water service provider and the property does not need to be brought into the proposed city to provide water service. Because the property is not needed for the proposed new city, it should not be included within its boundaries.

Reasonableness also includes other factors. While the courts have made it clear that irregular boundaries are not *per se* unreasonable, simple boundaries (those with long straight lines or that follow roads or natural features) make it easier for governments to determine which entity is responsible for providing services (including police service), make it easier for utilities to determine which city's franchise or other regulations apply, make it easier for contractors and others to know which jurisdiction is responsible for permits, and make it easier for prospective purchasers of real property to know which city they will be in. Simpler boundaries also make it easier for cities to deal with each other. If the new city is incorporated, Tigard anticipates that it will cooperate with the new city in a wide range of matters, just as it does with other neighboring cities. A simpler boundary will be to facilitate

inter-city cooperation. For these reason, Tigard believes that the boundaries should be set with the boundaries discussed above, which will provide a more rational boundary for the proposed new city.

Tigard requests that the County Board of Commissioners adjust the boundaries for the proposed city as described above.

Summary

The information presented above summarizes the Mayor and City Council's positions to date regarding the proposed incorporation of Bull Mountain as it relates to: 1.) The City's acceptance of the process; 2.) The City's observations on the feasibility of the proposed new city; 3.) The City's concern over the affects of the proposed city on City of Tigard; and 4.) The City's request that the boundaries of the proposed incorporation be amended. In preparation for the City's continued participation in the incorporation proceedings through hearings to be conducted by Washington County Commissioners, staff recommends that the Mayor and City Council provide direction to staff regarding any changes, deletions or additions to the City's position described above.